IN THE SUPREME COURT OF THE UNITED STATES

October Term 1989

No.

IRVIN D. STAGNER,
Pro Se Petitioner-Appellant

V.

UNITED STATES PATENT & TRADEMARK OFFICE,
COMMISSIONER OF PATENTS, DONALD QUIGG,
DEPUTY ASSISTANT COMMISSIONER, JAMES E.
DENNY, PETITION EXAMINER, JEFFREY V.
NASE, DIRECTOR OF PATENT EXAMINING
GROUP 320, SAMIH N. ZAHARNA, SUPERVISOR
OF PATENT EXAMINING GROUP 320, FREDERICK
R. SCHMIDT, PATENT EXAMINERS OF GROUP
320, JAMES G. SMITH AND DEBRA MEISLIN

Appellees

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS

FOR THE FEDERAL CIRCUIT

APPENDIX B

Petitioner Pro Se Irvin D. Stagner 1814 Ellis Wichita, KS 67211 316 264 2723



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APPENDIX B

Pursuant S. Ct. Rule 14.2 appendix as a separate document and S. Ct. Rule 33 (d), patent case, appendix as a different size document.

CONTENTS OF APPENDIX B

DECISIONS OF THE PATENT AND TRADEMARK OFFICE

OFFICE ACTIONS (REJECTIONS). See Administrative Record Application Serial No. 671,168.	
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Application Serial No. 837,504. December 22, 1986	432
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Application Serial No. 671,167.	1855
September 13, 1985)933
December 18, 1985	1046
Application Serial No. 837,430. March 3, 1987	1233
June 17, 1987	1309
Application Serial No. 671,169.	
C	1716
December 18, 1985	
Application Serial No. 837,502 February 18, 1987	1978
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September 18, 1987	2140
DECISIONS IN ANSWER TO	
27 CFR 1 181 PETITIONS	
Decisions included each (3) application	
See Administrative Record Date From The Administrative Record P	ages
- 1 1006	
May 15, 1986	1339
August 21, 1987	1367
Manual of Patent Examining Procedure, PAGE 1200-1	.0015



UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office

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This is a communication from the examiner in charge				
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This application has been examined Responsive to communication filed on ______ This action is made final, A shortaned statutory period for response to this action is set to expire ______ monthsti, ______ pays from the sale of this letter. Failure to respond within the period for response will cause the application to become abandoned. \$25.0.5.0.131 Port 5

THE FOLLOWING ATTACHMENTED ARE PART OF THIS ACTION:

L. Notice of References Cited by Esaminer, PTO-892.

S. Notice of Art Cited by Applicant, PTO-1449

S. Information on Now to Effect Drawing Changes, PTO-1474

6. P M H SUMMARY OF ACTION pending in the application. 1. To Claims _ are withdrawn from consideration. Of the above, claims E Claims __ _____ Claims . are subject to restriction or election requirement This application has been filed with informal drawings which are acceptable for examination burdeses until such time as allowable subject matter in indicated. Allowable subject marter having been indicated, Jorman drawings are required in response to this Office action. met acceptable fise explanation). ___ has been ___ approved. ___ disapproved see explanations. Mowever, IL ___ The prepared grawing correction, filed ___ The Patent and Trademark Office no longer makes drawing changes. It is now appricant's responsibility to ensure that the drawings are corrected. Corrections MUST be effected in accordance with the instructions set forth on the attached letter "INFORMATION ON HOW TO EFFECT DRAWING CHANGES", PTO-1474. 12. Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has _____ been received. ____ not been received. , filled on _____ Seen filed in parent application, serial no. 12 Since this application appears to be in condition for allowance except for formal matters, proxecution as to the ments is closed in accordance with the gractice under Ea parts Quayre, 1935 C.O. 11, 453 O.G. 213. 14. _ Ciner

1. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim appears to recite each extension having two square openings and male square heads.

2. The following is a quotation of 35 U.S.C. 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

- 3. Claim I is rejected under 35 U.S.C. 103 as being unpatentable over Ayotte or Lareau and Ossul. It would be obvious to use both 45° bend extensions, as shown by Ayotte or Lareau, and 90° bend extensions, as shown by Ossul, in a set.
- 4. Any inquiry concerning this communication should be directed to Examiner James G. Smith at telephone number 703-557-6502.

9/10/85:slw.

AMES G. SANTA EXAMPLE OF U. 1 222

IREV 3-19) PATENT AND TRADEMARK OFFICE NOTICE OF REFERENCES CITED					SERIAL C.	7/165	3	213	N U	Company of the same of the sam	13					
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ALTERNATION OF TAXABLE PROPERTY AND A CHARLES OF CO. 11.	413 0 2, 213

 The following is a quotation of 35 U.S.C. 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

- 2. Claim 2 is finally rejected under 35 U.S.C. 103 as being unpatentable over Ayotte or Lareau and Ossul, for the reason stated in the first Office action.
- 3. Applicant's arguments filed October 15, 1985 have been fully considered but they are not deemed to be persuasive.
- 4. Applicant argues that his 90° and 45° bend extensions are new improvements. The cited art however, proves otherwise. Extensions that have the claimed angle bends are old in the tool art. To place different combinations of extensions in a "tool kit" is also not new as all major tool catalogs show such packaging. Therefore, even the use of a set of extensions is not new.
- 5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). The practice of automatically extending the

Ast Unit 323

shortened statutory period an additional month upon the filing of a timely first response to a final rejection has been discontinued by the Office. See 1021 TMOG 35.

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT , FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-HONTH SHOPTENED STATUTORY PERIOD. THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 OFR 1.136(%) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR PERIODS EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

5. Any inquiry concerning this communication should be directed to James G. Smith at telephone number 703-557-6502.

12/12 35: : 55



UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office

Address CCMMISSIONER OF PATENTS AND TRACEMARKS

SERIAL NUMBER FILING DATE	FIRST NAMED APPLICANT	AF	TORNET DOCKET NO
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TIRUTH D. TAGNER	٦٢	EXAL	INER
LOIS FLLIS		1111111	
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Below is a communication from the EXAMINER in charge of this application

COMMISSIONER OF PATENTS, AND TRADEMARKS

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-		MONTHS FROM THE DATE OF THE FINAL REJECTION
	-903 C G TIOF -	
	Appellant's Brief is due in accordance with Rule 192 (a)	
	Applicant 3 response to the final rejection filed	, has been considered with the following
	effect, but it is not deemed to place the application in condit	on for allowance
	The proposed amendments to the claim and/or specification	will not be entered and the final rejection stands because
	a There is no convincing snowing under Rule 116(b)	
	They raise new issues that would require further con- They raise the issue of new matter.	sideration and/or search
		orm for appeal by materially reducing or simplifying the issues for appeal
	They present additional claims without cancelling a c	
	Newly proposed or amended claims	would be allowed if submitted in a separate
	filed amendment cancelling the non allowable claims	
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Art Unit _ 321

-:-

The shortened statutory period for response expires three months from the date of the final rejection or as of the mailing date of this Advisory Action, whichever is later. In no event however, will the statutory period for response expire later than six months from the date of the final rejection. Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a) accompanied by the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee.

Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date that the shortened statutory period for response expires as set forth above.

Any inquiry concerning this communication should be directed to Amis G Smith at telephone number 703-557- 6502

JAMES G. SMITH
EXAMINER
ART UNIT 323

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UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office Address COMMISSIONER OF PATENTS AND TRACEMARKS Washington OC 20231

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COMMISSIONER OF PATENTS AND TRADEMARKS

X This	abdication has been examined Responsive to communication filed on This action is made final.
A shorte	med statutory period for response to this action is set to expire aprilmst, days from the date of this letter.
Faiture	to respond within the period for response will cause the application to become abandoned, 35 U.S.C. 133
Part I	THE FOLLOWING ATTACHMENTIS ARE PART OF THIS ACTION:
1 -	Notice of Art Cited by Applicant, PTO-1449 4. Notice of informal Palent Application, Form PTO-152
1 5	Notice of References Cited by Examiner, PTO-192. Notice of Art Cited by Applicant, PTO-1449 Information on Now to Effect Drawing Changes, PTO-1474 6.
Part II	SUMMARY OF ACTION
1. 2	Claimy
	Of the above, claims are withdrawn from consideration.
1 0	Claims Rave been cancelled.
ı. C	Claimsare allowed.
4. 9	Ciaing User resected.
	Claims
6.	Claims are subject to restriction or efection requirement
1.	This application has been filed with informat drawings which are acceptable for examination purposes until such time as into-able full ending and matter is indicated.
A	Allewable suggest matter having been indicated, formal dramings are reduced in response to this Office action,
1.	The corrected or substitute drawings have been received on These prawings are acceptable,
10.	The proposed trawing correction and or the proposed additional or substitute sheems) of drawings, filed on
	The proposed trawing correction and or the proposed additional or substitute sheetist of drawings, filed on has thavel been approved by the examiner. Disapproved by the examiner (see explanation).
11	The proposed drawing correction, filled
	the Palent and Tragemain Office ne tonger makes drawing changes. If is now sociocant to reconstitute to ensure that
	corrected. Corrections with the effected in accordance with the instructions set forth on the attached letter "INFORMATION ON HOW
	EFFECT CRAMING CHANGES", PTC-1474.
12	Acknowledgment is made of the claim for priority under 15 U.S.C. 113. The certified cody has " been received " not been received."
	Seen filed in sarent application, serial no
11.	Since this application appears to be in condition for allowance except for formal matters, prosecution as 10 fm metric is 1 (350) in
	accordance with the tractice under Ex Saite Quayre, 1935 C.C. 11, 453 C.C. 213.
14.	T Other

EXAMINER'S ACTION

PTOL-324 (Fm. 7 - 82)

Serial No. 837,504 Art Unit 323

- 1. Receipt is acknowledged of the letter submitted by appliant dated May 26, 1986. It is noted that the letter refers to activities in an abandoned case, serial no. 671,168. A complete action on the instant application, serial no 837,504, follows.

 Specification:
- 2. On page 1 of the specification, line 5, "in which a prior application for" should be -- which is a continuation in part of -- to clearly identify the parent application.
- The following is a quotation of the first paragraph of 35 U.S.C. 112:
 The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification is objected to under 35 U.S.C. 112, first paragraph, as failing to provide an adequate written description of the invention.

The specification fails to disclose the ratcheting mechanism and structural cooperation between the elements of the "newly designed ratchet extension 30" to enable a ratcheting action. Correction is required with appropriate correction to the drawings. Applicant is cautioned against the inclusion of new matter.

4. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, for the reasons set forth in the above objection to the specification.

Drawings:

- 5. The drawings are objected to since they fail to clearly disclose the structure of the "newly designed ratchet extension 30". Also, figures 23-26 must be labeled as prior art.
- 6. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Claims:

7. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim is narrative in forms and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device.

It is not clear is applicant claiming a set of angled socket extensions or a set of angled socket extensions and conventional handles and/or extensions.

8. The following is a quotation of 35 U.S.C. 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the Art Unit 323

differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

9. Claim 1 is rejected under 35 U.S.C. 103 as being unpatentable over Snap-on Tools Corporation in view of Ossul and Ayotte.

 Art Unit 323

Ossul and Ayotte would have been obvious to one having ordinary skill in the art.

10. Mandl discloses a combination set of extensions, handles, and sockets. Adolphson and Erickson disclose a combination set of extensions. Bidal disclose plural angular extensions.

 Any inquiry concerning this communication should be directed to Examiner Meislin at telephone number 703-557-2344.

12/15/86: 155

DAMes 12/14/84

DEBRA S. MEISLIN : PATENT EXAMINER GROUP 320 - ART UNIT 323

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UNITED STATES DEPARTMENT OF COMMER Patent and Trademark Office

Address : COMMISSIONER OF PATENTS AND TRADEMARK Weshington, D.C. 20231

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Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

A detailed review of parent file Serial No. 06/837504 has shown that copendency did in fact exist on October 5, 1987 with this application, Serial No. 07/104176, contrary to the communication mailed July 22, 1988. Thus no action need be taken by applicant regarding application Serial No. 06/837504 to establish copendency. The Patent and Trademark Office regrets this error and any inconvenience it may have caused.

Any inquiry concerning this communication should be directed to Frederick R. Schmidt at telephone number 703-557-6506.

FR Schmidt:dli

FREDERICK R. SCHMIDT SUPERVISORY PATENT EXAMINER ART UNIT 323

0000 8-2-86

(703) 557-6506



UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office

Address COMMISSIONER OF PATENTS AND TRACEMARKS Washington OC 20201

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COMMISSIONER OF PATENTS AND TRADEMARKS

This application Na	s been examined Responsive to communication filed on	This action is made final.
A shortened statutory of Failure to respond with	eriod for response to this action is set to expire month(s), in the period for response will cause the application to become aba	indoned. 35 U.S.C. 133
L Notice of R	owing ATTACHMENTIS) ARE PART OF THIS ACTION: eferences Cited by Ejaminer, PTO-892. It Cited by Applicant, PTO-1449 on How to Effect Drawing Changes, PTO-1474 6.	otice re Patent Drawing, PTO-948. Otice of informal Patent Apolication, Form PTC-152
Part II SUMMARY		
1. Claims _)	as pending in the application.
01 10	he above, claims	are withdrawn from consideration.
2 Claims		have been cancelled.
1. — Claims		are allowed.
	,	rejected.
s = Claims =		are objected to.
6. Claims _		are subject to restriction or election requirement.
7. This appli	cation has been filed with informal drawings which are acceptable	for examination purposes until such time as allowable subject
	subject matter having been indicated, formal drawings are required	in response to this Office action.
9. The correct not as	cted or substitute drawings have been received on	. These drawings are - acceptable.
10 — The — a	roomsed drawing correction and/or the proposed additional or t	substitute sheetist of drawings, filed on
has thave	been approved by the examiner. adisapproved by the examiner.	miner ises explanation).
ine Palen corrected EFFECT	osed drawing correction, filed, has been, has been, has been, has been, has been, trademark Office no longer makes drawing changes. It is no . Corrections <u>MUST</u> be effected in accordance with the instruction DRAWING CHANGES'', PTO-1474.	is set forth on the attached letter "INFORMATION ON HOW I
12 _ Acknowle	edgment is made of the claim for disprity under 35 U.S.C. 119. The	certified cody has been received not been received
>ee	filled in parent application, serial no.	, filed on
13. Since the	s application appears to be in condition for allowance except for to ice with the practice under Exigate Quayie, 1935 C.D. 11, 453 O.G.	g. 213.
II. Ciner		

Serial No. 671,167 -2-Art Unit 323

1. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim appears to recite only the function with no specific statement of the structure.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless-

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent.
- 4. Claim 1 is rejected under 35 U.S.C. 102(a) as being clearly anticipated by Randall.
- 5. Applicant is required to submit a proposed drawing correction in response to this Office action.

 However, correction of the noted defect can be deferred until the application is allowed by the examiner.
- 6. It is called to applicant's attention that if a communication is mailed before the response time has expired applicant may submit the response with a "Certificate of Mailing" which merely asserts that the response is being mailed on a given date. So mailed, response is being mailed on a given date, the response before the period of response has lapsed, the response is considered timely. A suggested format for a certificate follows.
- 7. Following is a suggested format for the certificate of mailing under 37 CFR 1.8(c) which should be included with all correspondence:

"I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of

-3-

Art Unit 323

Patents and Trademarks, Washington, D.C. 20231, on......

	Name of applicant aggictor of
	Name of applicant, assignee, or
	registered representative
_	Signature
	,
-	
	Date

8. Any inquiry concerning this communication should be directed to Examiner James G. Smith at telephone number 703-557-6502.

JAMED G. SMITE
EXAMINER
ART UNIT 322

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UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office

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Serial No. 671,167 Art Unit 323

1. The following is a quotation of 35 U.S.C. 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

2. Claim 2 is finally rejected under 35 U.S.C. 103 as being unpatentable over Murray in view of Randall.

It would be obvious to modify Murry by using a hex-shaped shank, instead of square, and to secure a wrench thereto with a bolt and washer, as suggested by Randall. To use a series of different size extensions in a set is obvious to one skilled in the art.

- 3. Applicant's arguments filed October 15, 1985 have been fully considered but they are not deemed to be persuasive.
- 4. Applicant's improvement over standard wrench extensions is that the square shank is made hexagonal so that i decan engage in a box-end wrench opening. Further, in order to secure the wrench to the new extension, a bolt-washer is inserted into a threaded bore in the shank end of the extension. However Randill clearly

teaches that a box wrench can be extended by using an extension with a hexagonal shank and a bolt-washer to secure it to the wrench. Thus, using the suggestion provided by Randall, a person skilled in the tool art would find it obvious to modify a standard wrench extension such as that shown at (214) in Murray.

Further, all known tool catalogs show extensions provided in various sizes in a set.

Randall clearly <u>teaches</u> the improvement in regard to extensions, that is the hexagonal shank and the use of a bolt-washer to secure the extension and wrench. Since what applicant claims as new is <u>already known</u> in the prior art, to modify Hurray, in view of the <u>teaching</u> of Randall, is obvious.

5. Applicant's amendment necessitated the new grounds of rejection. Accordingly, THIS ACTION IS MADE FINAL. See MFEP 706.07(a).

Applicant is reminded of the extension of time policy set forth in 37 CFR 1.136(a). The practice of automatically extending the shortened statutory period an additional month upon the filing of a timely first response to a final rejection has been discontinued by the Office. See 1021 TMOG 35.

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 CFR 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

 Any inquiry concerning this communication should be directed to James G. Smith at telephone number 703-557-6502.

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Jame Gross



UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office

Address COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231

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		because applicant has not shown		
The rest				
has not been cons	aving been examined under the	he special accelerated examining p	010CPdute (M P E P 708 02)	the sinused amendm

has not been considered since it does not prima facie place the application in condition for allowance or in better condition for appear

-2-

The shortened statutory period for response expires three months from the date of the final rejection or as of the mailing date of this Advisory Action, whichever is later. In no event however, will the statutory period for response expire later than six months from the date of the final rejection. Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a) accompanied by the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee.

Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date that the shortened statutory period for response expires as set forth above.

Any inquiry concerning this communication should be directed to <u>James C. Smirril</u> at telephone number 703-557- 6302.

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JAMES G. SMITH EXAMINER

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This application has been examined Resonative to committee	
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A shortened statutory period for response to this action is set to expire	the date of the term
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C.	133
Part I THE FOLLOWING A TRACTICAL	
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L Motice of References Cited by Examiner, PTO-992. 3. Motice of Art Cited by Applicant, PTO-1449 4. Motice of Art Cited by Applicant, PTO-1449 5. Information on How to Effect Drawing Changes, PTO-1474 6. Motice of informat Patent	in Application, Form PTO-157
Part II SUMMARY OF ACTION	
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1. 2 Claims/	
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matter is indicated.	until such time as allow this subject
2. Allowable subject matter having been indicated, formal drawings are required in response to this Office.	
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12. Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy hash	
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Serial Mo. 837,433

Art Unit 321

t Unit 323

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1. Receipt is acknowledged of the letter submitted by applicant dated May 26, 1936. It is noted that the letter refers to activities in an abandoned case, Serial No. 671,167. A complete action on the instant application, Serial No. 837,430, follows.

- 2. This application has been filed with informal drawings enter are appearable for examination outproved only. Formal drawings will be required about the application is allowed.
- 1. Dis.m 1 is rejected as failin; to define the invention in the manner required by 15 t/ 5.2. 112, second carriers.

The claims are narrative in form and replace with indefinite and functional or operational language. The Structure enion goes to make up the device must be clearly and positively specified. The attructure must be organized indicorrelated in such a manner as to present a complete operative device. The claims must be in one patients form only. Note the format at the claims in the patients often.

It is not known from the claim which the "improved took" domailies in the claim processor, recognized that are not structurally related.

4. The following is a quotation of 15 0.00 2.100 which forms the mains for all obviousness researching que form in this Office iction:

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Art Unit 323

and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

5. Claim 1 is rejected under 35 U.S.C. 103 as being unpatentable over Randall, Jr. in view of Murray and Osburn.

Randall, Jr. discloses all of the claimed subject matter except for having a "set" of wrench extensions of differing sizes and a "square socket head" on one end for the extension. Murray discloses a wrench extension for engagement with a double ended wrench at one end and a square socket head (64) at the opposite end thereof. It would have been obvious to one having ordinary skill in the art to form one end of the extension of Pandall. Jr. with a square socket head such that any standard socket tool may be received therein to provide a variety of specially adapted obstruction by-pags tools as taught by Murray. Osburn discloses a plurality or set of wrench extensions (4, 5) having differently sized hexagonal socket engaging portions (B', D'). It would have been obvious to one having ordinary skill in the art to form the device of Randall, Jr. as a set of wrench extensions to form a variety of tools of different sizes, lengths, and shape for workpieces having difficult access as taught by Osburn. The amount of extensions and the sizes of each would have been an obvious matter of choice.

Art Unit 323

 Any inquiry concerning this.communication should be directed to Examiner Meislin at telephone number 703-557-2344.

D. Meislin:klw

2-26-87

(703) 557-2344

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DEBRA MEISLIN
PATENT EXAMINER
GROUP 320 - ART UNIT 323

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Art Unit 323

1. The following is a quotation of 35 U.S.C. 103 which forms the basis for all obviousness rejections set forth in this Office action:

-2-

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

 Claim 2 is rejected under 35 U.S.C. 103 as being unpatentable over Randall Jr. in view of Murray and Osburn, all of record.

Randall, Jr. discloses all of the claimed subject matter except for having a "set" of extensions and a square socket head on one end of the extension. Note the straight, round shaft (12), flange (20), hexagonal nut shaped base (22), a washer (26) and a bolt (24, 28) which constitutes an extension handle for box wrenches. The opposite end of the extension has a threaded socket therein. Murray discloses a wrench extension for standard open-end or box-end wrenches including one end for connection to the wrench and its opposite end having formed as a standard square socket head. Note the socket (64) for engagement with a drive stud. It would have been covious to one having ordinary

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Serial No. 837,430

Art Unit 323

skill in the art to form one end of the extension of Randall, Jr. as a square socket head such that any standard tool may be received therein to provide a variety of specially adapted costruction by-pass tools as taught by Murray. Osburn discloses a plurality or set of wrench extensions (4, 5) having differently sized hexagonal socket engaging portions (3', D'). It would have been obvious to one having ordinary skill in the art to form the device of Randall, Jr. as a set of wrench extensions of "various sizes, to enable utilization of the device on various sized workpieces having difficult access as taught by Osburn providing versalitity. The amount of extensions and their exact sizes would have been an obvious matter of choice as such sizes are notorioulsy bil and well known in the art of wrenches. Note that to forge the device of Randall. Jr. and to form the flange. mut, and shaft as a unitary structure would have been obvious to one having ordinary skill in the art as such is merely an obvious engineering choice dependent upon choice of the manufacturer, and the convenience and availability of the machines and tools necessary to construct the device. Forging is an old and well known process and would have been an covidus method of manufacture.

Claim 1 has been canceled.

Remarks:

4. Applicant's arguments filed March 26, 1997 have been fully considered but they are not deened to be persuasive.

Art Unit 323

The claim was properly rejected under 35 USC 103 as being unpatentable over Randall, Jr. in view of Murray and Osburn. The determination of obviousness follows the test for obviousness using Graham V. Deere.

The factual inquiries set forth in Graham v.

John Deere Co. that are applied for establishing a

Dackground for determining obviousness under 35 U.S.C.

103 are summarized as follows:

- Determining the scope and contents of the prior art;
- Ascertaining the differences between the prior art and the claims at issue: and
 Resolving the level of ordinary skill in the pertinent art.

Graham v. John Deere Co., 383 U.S. 1, 17, 148 U.S.P.Q. 459, 467 (.966).

- Applicant's arguments with respect to any petition(s) are not on point.
- 6. Applicant's amendment necessitated the new grounds of rejection. Accordingly, THIS ACTION IS MADE FINAL. See MPEP 706.07(a).

Applicant is reminded of the extension of time policy set forth in 37 CFR 1.136(a). The practice of automatically extending the shortened statutory period an additional month upon the filing of a timely first response to a final rejection has been discontinued by the Office. See 1021 TMOG 35.

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD. THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 CFR 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

7. Any inquiry concerning this communication should be directed to Examiner Meislin at telephone number 703-557-2344.

6/9/87 srh 6/12/87

SUPERVISORY PATENT EXAMINER



UNITED STATE DEPARTMENT OF COMMERCE Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231

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Below is a communication from the EXAMINER in charge of this application COMMISSIONER OF PATENTS AND TRADEMARKS n 1. c. (c)

ADVISORY ACTION

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	PERIOD FOR RESPONSE
	s extended to run from the date of the Final Rejection
	continues to run from the date of the Final Rejection
	expires three months from the date of the final rejection or as of the mailing date of this Advisory Action, whichever is later. In no event however, will the statutory period for response expire lates than six months from the date of the final rejection.
1	Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date that the shortened statutory period for response expires as set forth above.
Appe	Hiant's Brief is due in accordance with 37 CFR 1 (\$2(p))
	icant's response to the final rejection, filed //1,81. has been considered with the following affect, but it is not deemed to a the application in condition for allowance:
1. 🗆 T	he proposed amendments to the claim and/or specification will not be entered and the final rejection stands because:
•	 There is no convincing showing under 37 CFR 1.116(b) why the proposed amendment is necessary and was not earlier presented.
ь	They raise new issues that would require further consideration and/or search. (See Note).
c	They raise the issue of new matter (See Note)
d	They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
•	☐ They present additional claims williout cancelling a corresponding number of finally rejected claims
N	OTE
	ewly proposed or amended claims would be allowed if submitted in a separately filed amendment cancelling the provided separately filed
	Ipon the filling of an appeal, the proposed amendment . will be . will not be, entered and the status of the claims in this
	pplication would be as follows:
	Allowed claims:
	Claims objected to:
C	Claims rejected:
	The rejection of claims on references is deemed to be overcome by applicant's response.
b	The rejection of claims on non-reference grounds only is deemed to be overcome by applicant's response.
X	The amount, exhibit or request for reconsideration has been considered but does not overcome the rejection
()	he affidavit or exhibit will not be considered because applicant has not shown good and sufficient reasons why it was not earlier
	resented.
_ The	proposed drawing correction has has not been approved by the examiner.
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	Mich Khill
	FREGERICK R. SCHILLET
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UNITED STATES DEPARTMENT OF COMMERCE

Actions Commissioned or earlier's and reademants SERIAL NUMBER : FILING DATE FIRST NAMED APPL CANT ATTORNEY DOCTET NO EXAMINER ARTUNIT PAPER NU. BER DATE MAILED

This is a communication from the examiner in charge of your econication COMMISSIONER OF PATENTS AND TRADEMARKS

Trais application has been examined Taxon	
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PART THE FOLLOWING ATTACHMENTIST ARE PART OF THIS AL	CT10=
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Notice of References Cited by Examiner, PTO-892. Notice of Art Cited by Applicant, PTO-892. Information on the In Effect Pro-1449.	Notice of informal Patent Application, Form PTO-157
5. Information on mom to Effect Drawing Changes, PTO:1016	6. The state of th
Part 11 SUMMARY OF ACTION	
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E SAMINERS APPIN

- 1. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

 Applicant appears to claim the standard wrench ratchet twice.
- 2. The following is a quotation of 35 U.S.C. 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the. differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

- 3. Claim 1 is rejected under 35 U.S.C. 103 as being unpatentable over Lechauq in view of the "G.M." disclosure p.86. It would be obvious to modify Lechauq by using a square hole, as opposed to a permanent handle, as such is suggested to be well known by the "G.M." disclosure.
- 4. It is called to applicant's attention that if a communication is mailed before the response time has expired applicant may submit the response with a "Certificate of Mailing" which merely asserts that the

response is being mailed on a given date. So mailed, before the period of response has lapsed, the response is considered timely. A suggested format for a certificate follows.

5. Following is a suggested format for the certificate of mailing under 37 CFR 1.8(c) which should be included with all correspondence:

"I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on....".

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6. Any inquiry concerning this communication should be directed to Examiner James G. Smith at telephone number 703-557-6502.

9/10/85:slw.

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* A copy of this reference is not being furnished with this office activities. See Manual of Patent Examining Procedure, section 707.05 (a) (



UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office

Accress COMMISSIONER OF PATENTS AND TRACEMARKS WASHINGTON O'C 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	AT	TORNEY DOCKET NO
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This is a communication from the examiner in charge of your obstitution.

COMMISSIONER OF PATENTS AND TRADEMARKS

	Responsive to communication filed on	
critered statutory period for response to	this action is set to expire month(s),	sand from the date of this letter.
ure to respond within the period for resp	onse will cause the application to become abando	ned. 33 0.5.C. 133
THE FOLLOWING ATTACHMEN	ITISI ARE PART OF THIS ACTION:	
Notice of References Cited by E	saminer, PTO-892. 2 Notice	rie Patent Orawing, PTO-948.
Notice of Art Cited by Applican		of informal Palent Application, Form PTO-152
Information on Mow to Effect Or	awing Changes, PTO-1474 6	
II SUMMARY OF ACTION		•
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Of the above, claims		are withdrawn from consideration.
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	d with informat drawings which are acceptable for	pramination curdoses until such time as attoward eld. circl
matter is indicated.	ng been indicated, formal drawings are required in	response to this Office action.
9. The corrected or substitute dri	amings have been received on	. These trainings are icceptable.
not acceptable (see esula		
		and the sheetist of Stamongs, Tuest on
10. The procesed draming cor	rection and or the	er see expranation
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corrected. Corrections MUST	be effected in accordance with the instructions s	et forth on the attached letter INFORMATION ON MON
EFFECT DRAWING CHANGE		
12 - Accomplantement is Table of	the claim for priority under 15 U.S.C. 119. The ce	etil ed cook has heen recoluent roll functions
	rication, serial no	ec ou
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13 - Since this application appear	s to be in condition for allowance except for formunder Ex parte Quavie, 1935 C.D. 11, 453 O.D.	11 masters, prosecution 15 to the ments of troses of

EXAMINER'S ACTION

 The following is a quotation of 35 U.S.C. 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

- Claim 2 is finally rejected under 35 U.S.C.
 as being unpatentable over Leehaug in view of the G.
 disclosure page 86, for the reason stated in the first Office action.
- 3. Applicant's arguments filed October 15, 1985 have been fully considered but they are not deemed to be persuasive.
- 4. Applicant's numerous court decisions regarding unobviousness are noted, however Leehauq clearly shows a U-shaped member with a handle on one side and a ratinet on the other. Further, the G.M. disclosure provides a clear suggestion to one skilled in the art that a square hole can be attached to a U-shaped member to allow a removable turning handle to be secured. To therefore modify Leenauq, in view of this clear teaching, is obvious.

-3-

Serial No. 671,169

Art Unit 323

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). The practice of automatically extending the shortened statutory period an additional month upon the filing of a timely first response to a final rejection has been discontinued by the Office. See 1021 TMOG 35.

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 CFR 1.136(3) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

6. Any inquiry concerning this communication should be directed to Examiner James G. Smith at telephone number 701-557-6502.

ANTER G. STUDEN

EXAMINER

ANT BUTT 212

12/11/85:cjk



UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office

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Below is a communication from the EXAMINER in charge of this application

COMMISSIONER OF PATENTS, AND TRADEMARKS

ADVISORY ACTION

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_	Appellant s Brief is due in accordance with Aute 192 (a)
	Applicant's response to the final relection filed
	effect, but it is not deemed to place the application in condition for allowance. has been considered with the following
	The condition for allowance
_	The proposed amendments to the claim and/or specification will not be entered and the final rejection stands because
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	They raise the issue of new matter
	They cleaned to place the application in better form for appeal by malayating
_	They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal. Newly proposed or appeal of the proposed of the proposed of the proposed or appeal or appeal.
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	filed amendment cancelling the non alideable claims — would be allowed if submitted in a separately
	rised amendment cancelling the non-atto-able claims ————————————————————————————————————
	Upon the liting of an access the appropria
	Upon the filing of an appeal, the proposed amendment () will be ?) will not be remained and the status of the claims in this application would be as follows:
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	However
	(1) The rejection of claims on references is deemed to be overcome by appricant's
	(2) The rejection of claims Of conversions
	applicant a reappose on non reference grounds only is deemed to be diversome by
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-	The afficavit or eshibit will not be admitted because applicant has not shown good and sufficent reasons why it was not warrant
	presented
-	The appropriate having been examined under the special appearance and appearance
,	The appropriate newling peen examined under the special accelerated examining procedure (MIRIE BIR 178 07), the proposed amendment has not been considered since if does not brimated end accelerated examining procedure for all owants bring better condition for all owants bring better condition for any exceleration.
	The second of the second condition for allowance or in Settle sone from the second

The shortened statutory period for response expires three months from the date of the final rejection or as of the mailing date of this Advisory Action, whichever is later. In no event however, will the statutory period for response expire later than six months from the date of the final rejection. Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a) accompanied by the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee.

, Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date that the shortened statutory period for response expires as set forth above.

JAMES G. SMITH
EXAMINER
ART UNIT 323



UNITED STATES DEPARTMENT OF COMMERCE

Address COMMISSIONER OF PATENTS AND TRADEMARKS

- 1	SERIAL NUM	BER FILING DAT	E	FIRST NAMED APPLICANT	ATTORNEY DOCKET N
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A shorten	od statutory period for response to this action is set to expire month(s), days from the	
Failure to	respond within the period for response will cause the application to become abandoned. 35 U.S.C. 1	he cate of this letter.
	15 U.S.C.	33
Part I	THE FOLLOWING ATTACHMENTIS) ARE PART OF THIS ACTION:	
LZ	Notice of References Cited by Examiner, PTO-652. 2. Se Notice re Patent Drawing	PT0-348
1.	Hotice of Art Cited by Applicant, PTO-1449 4. Notice of informal Patent	
7 3	Information on now to Effect Drawing Changes, PTO-1474 6.	
Part II	SUMMARY OF ACTION	
1. 3	Claims	- sending in the soptication.

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• -	Claimsare subject to r	estriction or election requirement.
1. 57	This included on this term filed with informal dismines which are apparently for examination of	
	This apprical on has been filed with informal drawings which are acceptable for examination purposes matter is indicated.	2411 2014 (Pare 12 3 2=1016 473165)
1.	Accompanie subject matter having been indicated, formal drawings are required in response to this Office	te action.
_		
9	The corrected or substitute drawings have been received on These draw-	ngs are acceptable.
	not acceptable (see explanation).	
10 _	The proposed drawing correction and or the proposed additional or substitute sheems of prac-	
	has thave: been approved by the examiner disapproved by the examiner (see expranation).	
,, -		
	The proposed drawing correction, filed	222 3442 188 662 172 37 . 5346.61,
	the Patent and Tracemary Office no longer makes drawing changes. It is now applicant's responsible corrected. Correct ons 146.57 be effected in accordance with the instructions set forth on the attach.	_
	EFFECT CRAMING CHANGEST, PTO-1414.	
12.	Advancement is made of the claim for priority under 35 U.S.C. 119. The certified copy has 📜 o	*** *** .** ** ** .**
	Deen fried in Darent appropriation, ser acro	
11.	Since this application appears to be in condition for allowance except for to malimatrers, probecution	15 2 20 20 2 2 2 2 2 2 2
	accompance with the practice under Exitatine Quakie, 1905 C.D. 11, 450 C.D. 2.0	

- 1. Receipt is acknowledged of the letter submitted by applicant dated May 26, 1986. It is noted that the letter refers to activities in an abandoned case, Serial No. 671,169. A complete action on the instant application, Serial No. 837,502, follows.
- This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.
- Applicant is reminded of the proper content of an Abstract of the Disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains.

If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure.

If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement.

In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof.

If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following: (1) if a machine or apparatus, its organization and operation; (2) if an article, its method of making; (3) if a chemical compound, its identity and use; (4) if a mixture, its ingredients; (5) if a process, the steps. Extensive mechanical and design details of apparatus should not be given.

4. Applicant is reminded of the proper language and format of an Abstract of the Disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sneet within the range of 50 to 250 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said", should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

5. Claim 1 is rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second caragraph.

The claims are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patents cited.

It is not known from the claim what the "improved tool" comprises as the claims recite numerous elements that are not structurally related.

6. The following is a quotation of 35 U.S.C. 103 which forms the basis for all obviousness rejections set forth in this Office action:

A datent may not be obtained though the invention is not identicably disclosed or described as set forth in section [1] of this title, if the differences between the subject matter sought to be intential and the prior art are such that the subject matter sought to be subject matter to a whole would have been character at the time the invention was made to a person nature ordinary skill in the lot to which half subject matter personance. Firemappility Shall had

Subject matter developed by another person, which qualifies as prior art only under subsection (f) and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

7. Claim 1, is best understood, is rejected under 35 U.S.C. 103 as being unpatentable over Snap-On-Tools in view of Schroeder.

Snap-On-Tools discloses U-shaped handles having a wrench at one end and a drive stud receiving socket in the opposite end as seen on page 84 ([8] S-8666) and page 86 ([A]-[E] S-8164-A, S-9524, S-8663, S-9825, S-98258, S-9513-C). Schroeder discloses a U-shaped handle having a ratchet wrench (14-17) at one end thereof. It would have been obvious to one having ordinary skill in the art to form the wrench end of the Snap-On-Tools as a ratchet wrench to enable ratcheting of the wrench as taught by Schroeder. Note that the type of ratchet wrench claimed is admitted as "standard" by applicant.

- Johnson and Leehaug are cited to show ratchet wrench, having a U-shaped handle.
- 9. Any inquiry concerning this communication should be directed to Examiner Meislin at telephone number 703-557-2344.

2/13/87 srh

DEBRA MEISLIN
PATENT EXAMINER
GROUP 320 - ART UNIT 323

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UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office

Address COMMISS CHER CF PATENTS AND TRACEMARKS

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		OA	TE MAILED:	
This is a communication from the examinar in charge	of your soonestion.			06/11/70

	s application has been examined	Responsive to communication filed on 3-19-8 This action is made final.
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Facius	In respond with a land or response to	this action is set to expire 3 month(s) days from the date of this feller.
	to respond within the period for resp	onse will cause the application to become abandoned. 35 U.S.C. 113
Part I	THE FOLLOWING ATTACHMEN	TISI ARE PART OF THIS ACTION:
LO	Notice of References Cited by F	Mariner PTO 192
1.	Notice of Art Cited by Applicant	
1 0	Information on How to Effect Dra	PTO-1449 4. Notice of informal Patent Application, Form PTO-152
Part II	SUMMARY OF ACTION	•
	C Claims 2	
1. 6	Claims	are pending in the application.
	Of the above, claims	are withdrawn from consideration.
2 3	₹ Ciama	have been cancelled
_		have been cancelled.
3.	Claims	No allowed
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٠. ٧	Claims	arm rejected.
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	Claims	
_		are subject to restriction or election requirement.
1	This application has been filed a	ith informal drawings which are acceptable for examination oursoses until such time as arrowable subject
	martin is morestee.	
1.	Allowable subject matter having t	been indicated, formal drawings are required in response to this Office action.
7.	not acceptable (see explanat	ngs have been received on These drawings are acceptable,
	not acceptable (see explanat	on),
10 -	The Transact drawing course	
-	Na (have) been approved to	ton and/or the proposed add-tional or substitute sheetist of drawings, filed on the examiner disapproved by the examiner (see explanation).
IL =	The procesed drawing correction.	filed, has been approved disapproved (see explanation , movever,
	the Patent and Trademark Office	no longer makes drawing changes. It is now applicant's respons birtly to ensure that the drawings are
	corrected. Corrections MUST >e	effected in accordance with the instructions set form on the attached letter "INFORMATION ON HOW TO
	EFFECT DRAWING CHANGES",	PTO-1474.
12	Aconditioned great is made of the c	faim for priority under 35 U.S.C. 119. The certified copy has been received not been received
	been files in parent applicat	on, serial no, fried on
11	Since this application appears to	De in condition for allowance except for formal matters, prosecution as to the merits is closed in
	accordance with the practice und	or Ex parte Quay e, 1935 C.D. 11, 463 O.G. 213.
		5-11-12-1-12-1-12-1-12-1-12-1-1-1-1-1-1-
14.	Cirer	

Serial No. 837,502 Art Unit 323

1. The following is a quotation of 35 U.S.C. 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

 Claim 2 is rejected under 35 U.S.C. 103 as being unpatentable over Snap-On-Tools in view of Schroeder.
 both of record.

Snap-On-Tools discloses U-shaped handles having a wrench at one end and a drive stud receiving socket in the opposite end as seen on page 84 ([8] S-26666) and page 86 ([A]-[E] S-8164-A, S-9524, S-8663, S-9825, S-98258, S-9513-C) Schroeder discloses a U-shape handle having a conventional ratchet mechanism (14-17) at one end thereof. It would have been obvious to one having ordinary skill in the art to form the wrench portion of Snap-On-Tools as a ratchet wrench to enable ratcheting of the wrench as taught by Schroeder such that a work-piece may be rotated with constant engagement by the wrench. The type of ratchet wrench claimed is admitted prior art.

3. Claim 1 has been canceled.

REMARKS:

4. Applicant's arguments filed March 19, 1987 have been fully considered but they are not deemed to be persuasive.

The claim was properly rejected under 35 USC 103 as being unpatentable over Snap-On-Tools in view of Schroeder. The determination of obviousness follows the test for obviousness using Graham v. Deere..

The factual inquiries set forth in <u>Graham v. John Deere Co.</u> that are applied for establishing a background for determining obviousness under 35 U.S.C. 103 are summarized as follows:

- Determining the scope and contents of the prior art;
 Ascertaining the differences between the prior art and the claims at issue; and
 Resolving the level of ordinary skill in the pertinent art.
- Graham v. John Deere Co., 383 U.S. 1, 17, 148 U.S.P.Q. 459, 467 (1966).
- Applicant's arguments with respect to any petitions are not on point.
- Applicant's amendment necessitated the new grounds of rejection. Accordingly, THIS ACTION IS MADE FINAL.
 See MPEP 706.07(a).

Applicant is reminded of the extension of time policy set forth in 37 CFR 1.136(a). The practice of automatically extending the shortened statutory period an additional month upon the filing of a timely first response to a final rejection has been discontinued by the Office. See 1021 TMOG 35.

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD. THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE FURSUANT TO 37 CFR 1.136(a) WILL BE CALCULATED FROM

THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

7. Any inquiry concerning this communication should be directed to Examiner Meislin at telephone number 703-557-2344.

FREDERIC

SUPERVISORY PATENT EXAMINER
ART UNIT 323

De 0/11/87

D. Meislin:klw

6-5-87

(703) 557-2344



UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office

Address COMMISSIONER OF PATENTS AND TRADEMARKS

SERIAL HUMBER FI	LING DATE	FIRST NAMED APPLIC	CAMT	AT	TORNEY DOCKET NO
04 H37.502 03/10	700 STACHER			1	
INTEN D. STAGNER			7	4_1(1.1)	MIMER
IBIA (LI.15 HICHITA: KS 67211				ART UNIT	PAPER HUMBER
				320	//
			_	DATE MAILED:	

Below is a communication from the EXAMINER in charge of this application COMMISSIONER OF PATENTS AND TRADEMARKS

07/13/07

	ADVISORY ACTION
THE PERIOD FOR RESPONSE	
-s extended to run	from the date of the Final Rejection
_	from the date of the Final Rejection
*	
expires three months from	the date of the final rejection or as of the mailing date of this Advisory Action, whichever is later in no- utory period for response expire later than six months from the date of the final rejection.
tee. The date on which the purposes of determining to	stible notained by filing a petition under 37 CFR 1 135(a). The proposed response and the appropriate response the petition, and the fee have been filed is the date of the response and also the date for the he period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR the date that the shortened statutory period for response expires as set forth above.
Appellant & Brief is due in accor	dance with 37 CFR 1 14214
Applicant & response to the fire place the application in condition	hall rejection filed 77787, has been considered with the following affect, but it is not deemed to on for allowance.
	to the claim and/or specification will not be entered and the final rejection stands because
a There is no convince presented	ting showing under 37 CFR 1 116(b) why the proposed amendment is necessary and was not earlier.
5 They raise new issue	is that would require further consideration and/or search (See Note)
C They raise the issue	of new matter (See Note)
d They are not deeme	ed to place the application in better form for appeal by materially raducing or simplifying the asses for
. They present addition	naticialms without cancelling a corresponding number of finally rejected claims
NO!E	
2 Newly proposed or amenda non-allowable claims	ed claims would be sligwed if submitted in a separately filed amendment cancelling the
1 - Long the filing of an appr	eal the proposed amendment . will be . will not be entered and the status of the claims in this.
application would be as follows	
Allowed claims	
Claims objected to:	
Claims rejected	
	ms on references is deemed to be overcome by applicant a reaponse
	ms on non-reference grounds only is deemed to be overcome by applicant siresponse
/	
0	quest for reconsideration has been considered but does not overcome the rejection
presented	I not be considered because applicant has not shown good and sufficient reasons why it was not earlier
The proposed drawing correct	tion C has C has not been approved by the examiner
C cire	

Group 320 Art Unit 323



UNITED STATES D. ARTMENT OF COMMERCE Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231

#10

February 13, 1986

In re application of:

Irvin D. Stagner

Serial Number: 671,168 Filed: November 13, 1984

For: COMBINED 90 DEGREE AND 45

DEGREE ANGLED SOCKET

EXTENSION SET

DECISION ON PETITION JANUARY 2, 1986

This is in response to the petition filed January 2, 1986 under 37 C.F.R. 1.181 requesting the Commissioner to invoke his supervisory authority and cause reexamination and reconsideration of this application.

The petitioner argues first that the Examiner's rejections were incomplete and not in compliance with 37 C.F.R. 1.104(a) and 37 C.F.R. 1.105 and second that the Examiner had erred in rejecting the claims on the prior art references.

With regard to petitioner's first argument, it is pointed out that the petition does not show specifically how 37 C.F.R. 1.104(a) and 1.105 have not been complied with. These Rules require the Examiner to give the application complete examination as to merit and form. A review of the record indicates that the Examiner has done so and thus it is not agreed that he has failed to comply with these Rules.

The remaining and second argument appears to be directed entirely to the merits of the Examiner's rejection of the claim.

The Patent and Trademark Office in administering the Patent Laws makes many decisions of a discretionary nature which the applicant may feel deny him the patent protection to which he is entitled. The differences of opinion on such matters can be justly resolved only by prescribing and following judicial procedures. Where the differences of opinion concern the denial of patent claims because of prior art, as is the situation here, the questions thereby raised are said to relate to merits. The statutes provide an Appeal procedure to the combined Board of Appeals and Interferences to resolve these differences.

The pertition is DENIED.

Samih N. Zaharna, Director

Patent Examining Group 320

Mateial Shaping,

Article Manufacturing, Tools

Irvin D. Stagner 0257 1814 Ellis Wichita, Kansos 67011

UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office

Address . COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231

ril 29, 1987

Unit 323

bup 320

re application of: vin D. Stagner rial Number: 837,430 led: March 10, 1986 : WRENCH EXTENSION SET

ON PETITION

is is in response to the petition filed under 37 C.F.R. 1.181 on rch 26, 1987 requesting the next action by the Examiner be grough and in compliance with the patent statutes and rules.

titioner argues the March 3, 1987 Office action was incomplete tause: (1) the Examiner did not cite the best references; the Examiner did not explain the rejection clearly; and the Examiner substituted herself for a person of ordinary Ill in the art.

titioner's basis for alleging the Examiner did not cite the best derences is not understood. How did the petitioner conclude that the is better prior art. Is petitioner aware of other prior material to the examination of the application and better than to cited by the Examiner? If so, petitioner is reminded of his y under 37 C.F.R. 1.56 to disclose material prior art and the sibility of rejection under 35 U.S.C. 131 and 132 for failure discharge that duty.

th regard to the second point, it is not clear what portions of rejection the petitioner believes have not having been fully lained. Petitioner has not cited any specific deficiencies in March 3, 1987 Office action as set forth by 37 C. F.R. 1.111.

h regard to the third point, the patent statutes, rules and ent and Trademark Office procedure require the Examiner to olve the level of ordinary skill in the art in every ermination of obviousness. This is what the Examiner has done this case and hence it is not seen where the Examiner has done thing other than what is required by the statutes, the rules Patent and Trademark the practice and procedure.

petition is GRANTED to the extent that all Office actions will tinue to be clear and complete.

ih N. Zaharna, Director ent Examining Group 320 erial Shaping, icle Manufacturing, Tools

339 in D. Stagner 4 Ellis

hita vinsas 67211 Group 320 Art Unit 323



UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office

COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231

May 15, 1986

In re application of:

Irvin D. Stagner

Serial Number: 671,167 Filed: November 13, 1984

For: WRENCH EXTENSION SET

RESPONSE TO COMMUNICATION

FILED MARCH 3, 1986 and MARCH 10, 1986

This is in response to the communication received March 3 and two communications received March 10, 1986.

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The communication of March 3, 1986 is being treated as a request for reconsideration of the Decision on Petition mailed February 13, 1986. Petitioner argues the main points of the petition were overlooked and not studied thoroughly. However, petitioner has failed to specify exactly which points were overlooked. Both the petition and request for reconsideration have been carefully studied. No factual evidence has been submitted that would alter the February 13, 1986 Decision. Thus the request for reconsideration has been granted, however the decision on petition mailed February 13, 1986 stands.

One communication filed March 10, 1986 consists of a listing of legal interpretations of the patent statutes and general allegations regarding the patentability of the wrench extension set. This paper has been made of record in the application file but is not responsive to the December 18, 1985 final rejection.

The other communication filed March 10, 1986 consists of a copy of the petition filed January 2, 1986 and a copy of the application papers as originally filed along with a request to file a new application. The request for filing a new application is incomplete because it does not include the \$170.00 small entity filing fee required by 37 C.F.R. 1.16. The maximum six month period for response to the final rejection ends June 18, 1986. Any further action by petitioner (i.e. filing of a notice of Appeal or filing of a new application with continuity to this parent application) must be filed in the U.S. Patent and Trademark Office by that date.

Summary: The request for reconsideration is GRANTED, however it does not effect the Decision on Petition of February 13, 1986.

Samih N. Taharna, Director

Patent Examining Group 320

Material Shaping,

Article Manufacturing, Tools

Irvin D. Stagner 1814 Ellis

Wichita, Kansas 67211



Patent and Trademark Office

ASSISTANT SECRETARY AND COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231

AMT/BRG/my1

AUG 2 1 1987

Mr. Irvin D. Stagner 1814 Ellis Wichita, Kansas 67211

Dear Mr. Stagner:

Thank you for your letters received February 19, 1987, March 20, 1987 and March 26, 1987 concerning applications Serial Nos. 837,430, and 837,502 and 837,504 and the corresponding parent applications Serial Nos. 671,167, and 671,168 and 671,169.

In response to your inquiry concerning the actions and communications you have had with patent examining professionals of Examining Group 320 relating to the above identified applications, a careful review has been made of all records concerning the prosecution of these applications. There is nothing of record which would indicate that either Mr. Zaharna, the Group Director, or his examiners have acted in any manner inconsistent with the statutes and rules governing the prosecution of applications for patents. In fact, the record would seem to indicate that Mr. Zaharna and his examiners have provided more than ample assistance to you as an applicant from both the legal and procedural aspects of applying for a patent.

Part of your difficulty may arise from the complex nature of the proceedings which often occur in prosecuting patent applications. For example, you made numerous complaints about receiving "ex parte examination". Since all proceedings before the Patent and Trademark Office are to be ex parte proceedings, except for interference proceedings which are not applicable here, it would be improper for your applications or any application to be considered in any other manner. Ex parte examination means that the Patent and Trademark Office will deal only with applicant or his appointed representative. Third parties may not be involved in the Office's consideration of a patent application.

It also appears that you may not fully appreciate the distinction between appealable and petitionable matters. As stated in the Manual of Patent Examining Procedure (page 1, column 2, paragraph 3), "the portion of the examiner's action pertaining to objections on formal matters may be reviewed by petition to the Commissioner of Patents and Trademarks (see §1002) and that portion of the examiner's action pertaining to the rejection of claims on the merits, may be reviewed by appeal to the Board of Appeals (see §1201). "Rejections of claims based upon prior art (i.e., 35 U.S.C. 102 and/or 35 U.S.C. 103) clearly relate to the merits of the case and, therefore, are appealable rather than petitionable matters.

In view of the above, Mr. Zaharna rendered a proper decision on your petition filed under 37 CFR 1.181, since the rejection of claims was based on prior art which is in fact on the merits. As already indicated, issues concerning rejections on the merits are resolvable only by appeal.

Since the prosecution of patent applications involves complex legal and technical issues, it cannot be emphasized enough that, whenever possible, applicants should obtain the assistance and expertise of a patent practitioner. In any case in view of the history and present status of your applications, it is believed that procurement of the services of a patent practitioner would expedite further processing, maximize protection of your rights to any patentable invention(s), and alleviate your concerns 'about fair and equal treatment.

Sincerely yours,

James E. Denny

Deputy Assistant Commissioner for Patents



Patent and Tru nark Office

Address : COMMISSIONER OF PATENTS AND TRADEMARKS Weshington, D.C. 20231

SEP 1 7 1987

10/2

Mr. Irvin Stagner 1814 1814 Ellis Wichita, Kansas 67211

Dear Mr. Stagner:

This is in response to your letters addressed to Mr. James E. Denny and Mr. Donald Quigg, respectively, received September 1, 1987 concerning applications Serial Numbers 837,430; 837,502; and 837,504.

The letters allege that the patent examining professionals of Examining Group 320 are one-sided in the examination of your applications and are not willing to accept the evidence of patentability that you have presented. A request is made under 37 CFR 1.181(a) to bring corrective action and cause the examiner to be equal toward your applications as the examiner is toward the prior art.

A review of the prosecution history of the involved applications finds nothing of record to indicate that either Mr. Zaharna, the Group Director, or his examiners acted in any manner inconsistent with the statutes and rules governing the prosecution of applications for patents. Also, there is nothing of record to support the allegation that the examiner has not considered your arguments for patentability.

As stated in the Manual of Patent Examining Procedure at page 1, column 2, paragraph 3, "That portion of the examiner's action pertaining to objections on formal matters may be reviewed by petition to the Commissioner of Patents and Trademarks (see §1002) and that portion of the examiner's action pertaining to the rejection of claims on the merits may be reviewed by appeal to the Board of Appeals (see §1201)." The rejection of the claims based upon prior art is accordingly an appealable matter rather than petitionable. Applicant's disagreement with the examiner over the relevance of the prior art must be appealed to the Board of Patent Appeals and Interferences.

A review by the Commissioner under 37 CFR 1.181(a) is inappropriate in this instance as your applications are subject to appeal and no inappropriate action on the part of the examining personnel in Group 320 has been shown.

Sincerely yours,

Jeffrey V. Nase

Petitions Examiner
Office of the Deputy Assistant
Commissioner for Patents

Chapter 1200 Appeal



1201 Introduction

1201

Introduction

The Patent and Trademark Office in administering the Patent Laws makes many decisions of a discretionary nature which the applicant may feel deny him or her the patent protection to which he or she is entitled. The differences of opinion on such matters can be justly resolved only by prescribing and following judicial procedures. Where the differences of opinion concern the denial of patent claims because of prior art or material deficiencies in the disclosure set forth in the application, the questions thereby raised are said to relate to merits, and appeal procedure within the Patent and Trademark Office and to the courts has long been provided by statute.

The line of demarcation between appealable matters for the Board of Appeals and petitionable matters for the Commissioner of Patents and Trademarks should he carefully observed. The Board will not ordinarily hear a question which it believes should be decided by the Commissioner, and the Commissioner will not ordinarily entertain a petition where the question presented is an appealable matter. However, since 37 CFR I Islan states that any petition not filed within two months from the action complained of may be dismissed as untimely and since 3° CFR 1144 states that petitions from restriction requirements must be filed no later than appeal, petitionable matters will rarely be present in a case by the time it is before the Board for a decision Note In re Hengehold. 169 L'SPQ 473 (CCPA 19"1)



